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[Your Name]

[Your Title]

[Your Company]

[Street Address, City, State ZIP]

May 14, 2026

[Opposing Counsel Name]

[Firm Name]

[Address]

**Re: U.S. Patent No. 10912321 — Response to Assertion of Infringement**

Dear Counsel,

We acknowledge receipt of your correspondence asserting infringement of U.S. Patent No. 10912321 (the "10912321 Patent"). After preliminary review, we have substantial concerns about the validity, enforceability, and scope of the asserted claims, summarized below. We reserve all rights and defenses.

## **1. Subject Patent — Summary**

Analysis of U.S. Patent 10,912,321: A Method for Increasing Poultry Weight During Processing Washington, D.C. - A comprehensive analysis of U.S. Patent No. 10,912,321, titled "Methods of using peracetic acid to treat poultry in a chill tank during processing," reveals a method aimed at increasing the saleable weight of poultry products by treating carcasses with a specific solution during the chilling process. This patent, issued to Enviro Tech Chemical Services, Inc., has recently been the subject of a significant ruling by the U.S. Court of Appeals for the Federal Circuit.

Patent Overview

- Title: Methods of using peracetic acid to treat poultry in a chill tank during processing
- ...

## **2. Validity Concerns under 35 U.S.C. § 102 — Prior Art**

We have identified prior-art references that, in our preliminary view, anticipate one or more asserted claims of the 10912321 Patent:

Prior Art Analysis for U.S. Patent 10,912,321

This analysis details the most relevant prior art cited against U.S. Patent 10,912,321, focusing on potential anticipation of the patent's claims under 35 U.S.C. § 102. The core of the '321

patent's invention is a method to increase poultry weight by contacting carcasses with peracetic acid (PAA) containing water at an alkaline pH, specifically a range of about 6 to 9, and maintaining that pH.

1. U.S. Patent No. 6,017,955: "Method for Cleaning and Disinfecting Poultry"

- Full Citation: US 6,017,955 A
- Publication Date: January 25, 2000
- Filing Date: June 17, 1998
- Brief Description: This patent, assigned to Alcide Corporation, describes a method for disinfecting poultry carcasses to reduce microbial contamination. It involves contacting the poultry with an acidic chlorite solution, which can be sprayed or used in a dip tank. The primary focus is on bactericidal efficacy.
- Potential Anticipation: This reference is primarily concerned with disinfection using a different chemical agent (acidic sodium chlorite) and does not teach or...

### **3. Obviousness under 35 U.S.C. § 103**

Independent of § 102, we believe the asserted claims are obvious in view of combinations of prior art that a person having ordinary skill in the art would have been motivated to combine:

Obviousness Analysis of U.S. Patent 10,912,321 under 35 U.S.C. § 103

This analysis examines whether the claimed invention in U.S. Patent 10,912,321 would have been obvious to a person having ordinary skill in the art at the time the invention was made.

Legal Standard and Person of Ordinary Skill in the Art

Under 35 U.S.C. § 103, a patent claim is invalid if the differences between the invention and the prior art are such that the invention as a whole would have been obvious to a person having ordinary skill in the art (PHOSITA). The analysis considers the scope of prior art, the differences between the art and the claims, and the level of ordinary skill.

A PHOSITA for this invention would be a food scientist, microbiologist, or chemical engineer with experience in the poultry processing industry. This person would be familiar with poultry chiller operations, USDA and FSIS regulations for food safety, common antimicrobial agents like peracetic acid (PAA), and the primary economic objectives of poultry processing, including maximizing product yield by weight.

Obviousness Argument...

### **4. Request**

In light of the foregoing, we request that your client (i) provide a detailed claim chart identifying each accused product or service and mapping every limitation of each asserted claim, (ii) identify any prior art known to your client, including any references cited during prosecution or reexamination, and (iii) substantiate the basis for any damages or licensing demand. We are prepared to discuss the matter further once we have received and reviewed the foregoing.

Sincerely,

**[Your Name]**

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